IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 5TH NOVEMBER 2007 / 14TH KARTHIKA 1929

Bail Appl..No. 6720 of 2007()

`CRIME NO. 125/07 OF KAYAMKULAM EXCISE RANGE
CMP.5534/2007 of J.M.F.C., HARIPAD

.....

PETITIONER/ACCUSED

SUDHAKARAN, AGED 49 YEARS,
S/O.RAGHAVAN, RAJESH BHAVANAM,
PUTHIYAVILA MURI, KANDALLUR VILLAGE,
KARTHIKAPPALLY TALUK.

BY ADV. SRI.S.SHANAVAS KHAN

RESPONDENTS: COMPLAINANT

THE STATE OF KERALA,
REP. BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. S.U. NAZAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 05/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

- -

B.A.No. 6720 of 2007

- -

Dated this the 5th day of November, 2007

O R D E R

Application for regular bail. The petitioner faces allegations under the Kerala Abkari Act. He was allegedly found engaging in the illicit distillation of alcohol. 30 litres of wash, 500 ml. of arrack as also implements for distillation were seized from his possession on 16.10.2007. He was arrested and he continues in custody from that date. Two other earlier crimes have also been registered under the Abkari Act against the petitioner, submits the learned Prosecutor.

2. The learned Prosecutor opposes the application. In the wake of opposition by the Public Prosecutor regular bail can be granted to the petitioner only if this court is in a position to entertain both the satisfactions contemplated under Section 41A of the Kerala Abkari Act. In the facts and circumstances of this case, I am unable to entertain either of those satisfactions.

5. This application is, in these circumstance, dismissed. But I may hasten to observe that the petitioner shall be at liberty to move the court for bail again at a later stage of the investigation, not at any rate, prior to 15.11.2007. The Investigators shall, in the meantime, make every endeavour to complete the investigation.

(R. BASANT)
Judge

tm